Appendix B

("marked up" claims, corresponding to those prior pending claims that have been amended herein)

4. (Amended) An isolated [DNA sequence that codes on expression for] nucleic acid comprising a sequence that encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:1, or a fragment of SEQ ID NO:1 of [having from] about 50 to 79 contiguous residues in length [amino acids taken from the sequence of SEQ ID NO. 1], wherein the polypeptide binds to the extracellular domain [ECD] (ECD) of HER-2 [at] with an affinity binding constant of at least 10^8 M^{-1}.

5. (Amended) The isolated [DNA sequence that codes on expression for a polypeptide] nucleic acid of claim 4, wherein the [isolated] polypeptide is from about 69 to 79 [amino acids] contiguous residues in length.

6. (Amended) The isolated [DNA sequence] nucleic acid of claim 4, wherein the [isolated] polypeptide binds to a site on the [ECD] extracellular domain (ECD) of HER-2 that is, at least in part, distinct [different] from the site of binding of [Herceptin®] the 4D5 humanized monoclonal antibody (HERCEPTIN®).

7. (Amended) A transfected cell comprising an expression vector [having a DNA sequence] comprising a nucleic acid that encodes a polypeptide of SEQ ID NO:1 of about 50 to 79 contiguous residues in length [that codes on expression for a polypeptide having from about 50 to 79 amino acids taken from the sequence of SEQ ID NO. 1], wherein the polypeptide binds to the extracellular domain [ECD] (ECD) of HER-2 [at] with an affinity binding constant of at least 10^8 M^{-1}.

11. (Amended) An isolated [DNA sequence that codes on expression for] nucleic acid comprising a sequence that encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:2, or a fragment of SEQ ID NO:2 of [having from] about [800] 80 to 419 contiguous residues in length [amino acids taken from the sequence of SEQ ID NO. 2], wherein the C terminal 79 contiguous amino acids are present, [and] wherein at least [three] one N-linked glycosylation [sites are] site is present, and wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least 10^8 M^{-1}.

12. (Amended) The isolated [DNA sequence that codes on expression for a polypeptide] nucleic acid of claim 11, wherein the [isolated] polypeptide is from about 350 to 419 [amino acids] residues in length and [four] three N-linked glycosylation sites are present.

13. (Amended) A transfected cell comprising an expression vector [having a DNA sequence] comprising a nucleic acid that encodes a polypeptide of SEQ ID NO:2 of about 80 to 419 contiguous residues in length [that codes on expression for a polypeptide having from about 80 to 419 amino acids taken from the sequence of SEQ ID NO. 2], wherein the C terminal contiguous 79 amino acids are present, [and] wherein at least [three] one N-linked glycosylation [sites are] site is

present, and wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least 10^8 M^{-1}.